

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIODORO CABRERA, JR.,

Defendant.

8:13CR220

ORDER

This matter is before the court on the motion for an extension of time by defendant Eliodoro Cabrera (Cabrera) (Filing No. 55). Cabrera seeks until October 21, 2013, in which to file pretrial motions in accordance with the progression order. Cabrera's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted. However, Cabrera shall file his affidavit in accordance with NECrimR 12.1(a) and paragraph 9 of the Progression Order within seven working days of this order.

IT IS ORDERED:

Defendant Cabrera's motion for an extension of time (Filing No. 55) is granted. Cabrera is given until **on or before October 21, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between September 18, 2013, and October 21, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 18th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge